IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7426 OF 2005

Ravikumar Annu Gauda @
Harish Shetty & Anr. .. Applicant
'
Versus
State of Maharashtra .. Respondent

Ms.Noorseema Baig i/b. Khan Abdul Wahab for applicant
Mr.S.S.Tatkare, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 5th December 2005.

P.C.

. Learned Counsel for applicant does not press her application as far as enlargement on bail of first applicant.

2. As far as second applicant is concerned, the learned Counsel submits that an application for bail by the co accused (accused No.4) has

been allowed by the sessions judge and he has been enlarged on bail vide order 27th May 2005. Therefore, on the ground of parity present applicant No.2 should also be released on bail.

3. The sessions judge has observed insofar as the role of co-accused No.4 in para 2 of the order dated 15th September 2005. First applicant was found in possession of an Americal revolver and four live cartridges. As far as applicant No.2 is concerned, he was armed with chopper, which has now been recovered and seized. As far as this applicant is concerned, he is in custody for more than seven months. Learned A.P.P. has not expressed any apprehension as far as this applicant is concerned that he would not be available at the trial or that enlarging him on bail would be detrimental to the prosecution case. That on grounds of parity second applicant deserves to be enlarged on bail, following order:-

i) Application insofar as applicant No.1 Ravikumar Annu Gauda @ Harish Shetty is concerned, the same is dismissed as not pressed.

ii) Applicant No.2, Manish Raju Shetty @ Sarpmitra shall be enlarged on bail in connection with C.R.No.I-114 of 2005 registered with Kalamboli Police Station in the sum of Rs.15,000/- with one local surety in the like amount.

iii) Applicant shall report to the Kalamboli Police station twice a week on every Monday and Thursday between 5.00 p.m. and 7.00 p.m. till the conclusion of trial.

iv) Appplicant shall not directly or indirectly make any inducement or threat

to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

v) Applicant shall cooperate with the trial Judge in early disposal of the trial. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application disposed of.

viii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)